

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATAIN SPECIALTY INSURANCE
COMPANY,

Plaintiff,

v.

NORTH BAY WATERPROOFING, INC.,
et al.,

Defendants.

Case No. [14-cv-04056-RMW](#)

**ORDER GRANTING MOTION FOR
LEAVE TO FILE A MOTION FOR
RECONSIDERATION AND VACATING
PRIOR ORDER SETTING ASIDE
DEFAULT**

Re: Dkt. Nos. 25, 26

On January 12, 2015 the court granted defendant Douglas Ross Construction's ("DRC") motion to set aside the default entered against it in this case. *See* Dkt. No. 25. Plaintiff Atain Specialty Insurance Company now moves for leave to file a motion for reconsideration of that order. Dkt. No. 26.

The court's order setting aside the default against DRC was premature, as plaintiff Atain Specialty Insurance Company was not afforded the opportunity to respond. Accordingly, the court orders as follows:

- The court's January 12, 2014 order setting aside the default entered against DRC is hereby vacated.
- The court will hold a hearing on defendant DRC's motion to set aside the default on January 30, 2015, as originally set.
- The hearing on plaintiff's motion for default judgment, currently set for January 16, 2015, is continued to January 30, 2015.
- Plaintiff may file an opposition to DRC's motion to set aside the default. Otherwise, the court will treat plaintiff's motion for leave to file a motion for reconsideration as its opposition. If plaintiff elects to file an opposition, it must be filed by January 19, 2015.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Defendant DRC may file a reply in support of its motion to set aside the default. Such motion must be filed by January 23, 2015.

Dated: January 14, 2015



RONALD M. WHYTE
United States District Judge